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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,720	10/17/2003	David K. Dovell	DOVC-30159	3282

27883 7590 03/06/2007  
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DALLAS, TX 75219

EXAMINER
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BOLES, DEREK

ART UNIT	PAPER NUMBER
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3749

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/687,720

Applicant(s)

DOVELL, DAVID K.

Examiner

Derek S. Boles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/17/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, are rejected under 35 U.S.C. 102(b) as being anticipated by Anthony et al. (6,468,054). See figs. 1-3, 6 and 8, col. 9 line 51 through col. 10 line 20 for the recitation of low voltage employment, voltage reduction and wiring, sensing and timing devices for stricter control of the system.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anthony et al.

It is well-known in the art of HVAC to design an electrical connector that is insulation penetrable. Thus, it would have been obvious to one of ordinary skill in the art to incorporate the features of an electrical connector that is insulation penetrable into the system of Anthony et al. for the purpose of reduction of time.

Claim(s) 4, 10-12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anthony et al. in view of Carpenter (6,145,750). Anthony et al. discloses all of the

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limitations of the claim(s) except for exterior located control and exterior located temperature and moisture sensors. Carpenter discloses the presence of exterior located control and exterior located temperature and moisture sensors. See **13** and **14**. Hence, one skilled in the art would find it obvious to modify the system of Anthony et al. to include the exterior located control and exterior located temperature and moisture sensors of Carpenter for the purpose of more precise control.

Claim(s) 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anthony et al. in view of Jackson (4,829,882). Anthony et al. discloses all of the limitations of the claim(s) except for providing a non-vent-opening fan assembly. Jackson discloses the presence of a non-vent-opening fan assembly. See fig. 12. Hence, one skilled in the art would find it obvious to modify the system of Anthony et al. to include the non-vent-opening fan assembly of Jackson for the purpose of increased airflow.

Claims 6, 8, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anthony et al. It is well-known in the art of HVAC to design a cord extension to accommodate further electrical apparatuses. Thus, it would have been obvious to one of ordinary skill in the art to incorporate the features of a cord extension to accommodate further electrical apparatuses into the system of Anthony et al. for the purpose of reduction in electrical components.

Regarding claim 9, see claim 3 above. Regarding claim 13, see claim 5 above.

Regarding claim 7, Anthony et al. discloses all of the limitations of the claim except for passing the electrical cord through an exterior wall. However, since the applicant has failed to establish any criticality or synergistic results which are derived from the recited configurations, these limitations are considered a matter of obvious design choice. Thus, the applicant's design

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configurations would have been an obvious improvement to one of ordinary skill in the art with regard to the apparatus disclosed in Anthony et al.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The provided references are representative of the state of the art that is applicable to the applicant's invention. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek S. Boles at (571) 272-4872 or supervisory patent examiner Kenneth Rinehart at (571) 272-4881.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.S.B.

  
**DEREK S. BOLES**  
**PRIMARY EXAMINER**  
**GROUP 3700**

3/4/07